

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

LEAGUE OF UNITED LATIN AMERICAN
CITIZENS, *et al.*,

Plaintiffs,

v.

GREG ABBOTT, in his official capacity as
Governor of the State of Texas, *et al.*,

Defendants.

CIVIL ACTION NO.
3:21-cv-00259-DCG-JES-JVB
[Consolidated Action: Lead Case]

**PRIVATE PLAINTIFFS’ JOINDER IN THE RESPONSE IN OPPOSITION OF THE
UNITED STATES TO THE STATE AND THE LEGISLATORS’ MOTION FOR
BRIEFING SCHEDULE (DKT. 717)**

Private Plaintiffs¹ respectfully give notice of their joinder in the Response in Opposition of the United States to the State and the Legislators’ Motion for Briefing Schedule. Dkt. 717. This joinder relates to the Court’s May 26, 2023 Order setting forth a supplemental briefing schedule to address the impact of *Jackson Municipal Airport Authority v. Harkins*, 67 F.4th 678 (5th Cir. 2023) and *LULAC Texas v. Hughes*, 68 F.4th 228 (5th Cir. 2023) on pending discovery motions in this case. Dkt. 703.

For the same reasons expressed in the United States’ response brief, Dkt. 717, Private Plaintiffs oppose the State and the Legislators’ motion to modify that briefing schedule, Dkt. 716. Private Plaintiffs respectfully request that the Court maintain the current briefing schedule, and enter an order permitting a second round of supplemental briefing to address specifically the

¹ Private Plaintiffs include: LULAC Plaintiffs, the Mexican American Legislative Caucus (“MALC”), Texas NAACP, the Fair Maps Plaintiffs, the Brooks Plaintiffs, the Black Congressperson Intervenors, and Plaintiff Martinez Fischer.

documents at issue in the Court's July 25, 2022 Order vacated by the Fifth Circuit. Ex. A at 11, Unpublished Order, *LULAC v. Patrick*, No. 22-50662 (5th Cir. July 18, 2023), Dkt. 107-1; *see also* Dkt. 467.² As set forth in the response of the United States, that second round of briefing would proceed as follows:

- the United States, as well as Private Plaintiffs and Plaintiff-Intervenors (collectively), shall file supplemental opening briefs of no more than 10 pages by August 9, 2023;
- the State and the Legislators shall file supplemental response briefs of no more than 10 pages by August 31, 2023; and
- the United States, as well as Private Plaintiffs and Plaintiff-Intervenors (collectively), shall file supplemental reply briefs of no more than 5 pages by September 21, 2023.

See Dkt. 717 at 5.

As indicated in the State and Legislators' motion, Private Plaintiffs do not oppose the State and Legislators' alternative request to file a 25-page supplemental response brief—an enlargement of 5 pages—by their current deadline of July 28, 2023. Dkt. 716 at 4.

Dated: July 27, 2023

Respectfully submitted,

s/ Nina Perales

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² Regarding these documents, LULAC Plaintiffs previously identified withheld documents that both LULAC Plaintiffs and the United States sought, *see* Dkts. 447 at 4-6 and 447-11, and Private Plaintiffs reiterated that challenge to privilege assertions as to those documents in their June 24, 2023 supplemental brief, *see* Dkt. 709 at 2 n.1 (docketed on June 26, 2023).

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CERTIFICATE OF SERVICE

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/s/ Nina Perales

Nina Perales